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FOUNDED 1866

December 21, 2016

By Hand Delivery And ECFS

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: ***AT&T Corp. v. Great Lakes Communications Corp.***, Docket No. 16-170, File No. EB-16-MD-001

Dear Ms. Dortch:

In the above-referenced proceeding, Commission Staff has asked AT&T Corp. ("AT&T") to provide:

1. Certification of AT&T Corp.'s responses to Great Lakes Communication Corp.'s interrogatories (the "Certification");
2. Complaint Exhibit 6, pages 50-51 (including pages 50-51, "Amended Exhibit 6"); and
3. Complaint Exhibit 7, pages 17-19 (including pages 17-19, "Amended Exhibit 7," together with Amended Exhibit 6 and the Certification, the "submission").

Accordingly, AT&T submits for filing the **Public Version** of the submission. Consistent with the Commission's rules and the June 2, 2016 Protective Order entered by the Commission Staff, AT&T has redacted all confidential and highly confidential information from the **Public Version** of the submission, which it is filing by hand and ECFS.

AT&T is also filing by hand with the Secretary's office hard copies of both the **Highly Confidential** and **Confidential Versions** of the submission. In addition, copies of all versions of the submission are being served electronically on GLCC's counsel. Electronic courtesy copies are also being provided to the Commission's Enforcement Bureau.

Please contact me if you have any questions regarding this matter.



Marlene H. Dortch

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Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Hunseder", with a long, sweeping horizontal line extending to the right.

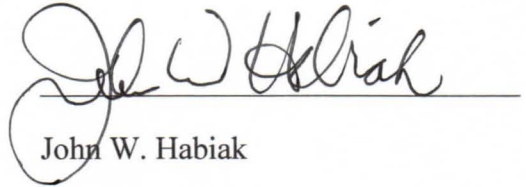
Michael J. Hunseder

Enclosures

cc: Joseph P. Bowser, Counsel for Defendant
G. David Carter, Counsel for Defendant
Lisa Griffin, FCC
Anthony DeLaurentis, FCC
Sandra Gray-Fields, FCC
Christopher Killion, FCC

VERIFICATION

On behalf of AT&T Corp., I hereby verify that the foregoing Responses and Objections to Great Lakes Communication Corp.'s First Set of Interrogatories are truthful and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read "John W. Habiak", is written over a horizontal line. The signature is stylized with large loops and a cursive script.

John W. Habiak

Amended Exhibit 6

**Excerpted Pages from the
Deposition of Joshua D.
Nelson, taken Nov. 6, 2014**

PUBLIC VERSION

Great Lakes Comm. Corp. v. AT&T Corp. ATTORNEYS' EYES ONLY

JOSHUA D. NELSON - 11/6/2014

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

GREAT LAKES COMMUNICATIONS No. 5:13-cv-4117
CORP.,
 Plaintiff,
v.
AT&T CORP.,
 Defendant.

*** ATTORNEYS' EYES ONLY ***

DEPOSITION of JOSHUA D. NELSON, taken on
behalf of the Defendant, reported by Robin R.
Qualy, CSR, starting at 8:36 a.m., on November 6,
2014, at the Arrowwood Resort & Conference Center,
1405 U.S. 71, Okoboji, Iowa.

PUBLIC VERSION

Great Lakes Comm. Corp. v. AT&T Corp. ATTORNEYS' EYES ONLY

JOSHUA D. NELSON - 11/6/2014

2

APPEARANCES

Joseph P. Bowser

G. David Carter

Innovista Law PLLC

1200 18th Street NW, Suite 700

Washington, DC 20036

On behalf of the Plaintiff.

Brian A. McAleenan

Sidley Austin LLP

One South Dearborn

Chicago, IL 60603

On behalf of the Defendant.

PUBLIC VERSION

1 * * *

2 JOSHUA D. NELSON

3 sworn by the reporter, testified as follows:

4 EXAMINATION

5 BY MR. McALEENAN:

6 Q. Mr. Nelson, could you please state your
7 full name for the record.

8 A. Joshua Dean Nelson.

9 Q. And, Mr. Nelson, by whom are you
10 employed?

11 A. Great Lakes Communication.

12 Q. Okay. And what's your current position
13 there?

14 A. I'm CEO.

15 Q. And we're going to look back at Exhibit
16 9, which was previously marked as Exhibit 9.

17 Mr. Nelson, do you recognize this as the
18 Notice of Deposition that AT&T served upon Great
19 Lakes in this case?

20 A. Yep.

21 Q. And if you turn back to Page 4, do you
22 see there's a list of topics there?

23 A. Yep.

24 Q. And, Mr. Nelson, you understand that you
25 are designated as the corporate representative for

1 Topics 4 through 11 in their entirety?

2 A. Yep.

3 Q. Okay. And then also Exhibit 1 as it
4 pertains to the contracts that you've
5 negotiated -- or put it this way, all the
6 contracts other than the ones that Ms. Beneke
7 signed?

8 A. Yep.

9 Q. Okay. And then for Number 3, that
10 you're the designated person for payments
11 received -- or that are made by Great Lakes to
12 what we're calling Free Calling Parties?

13 MR. BOWSER: Objection. Vague.
14 Payments to, right?

15 MR. McALEENAN: Payments to, I meant to
16 say, yeah, Great Lakes' payments to.

17 MR. BOWSER: You said "received or."

18 MR. McALEENAN: Oh. I'm sorry.

19 BY MR. McALEENAN:

20 Q. Payments to the Free Calling Parties.

21 A. Correct.

22 Q. Okay. And before -- When I use the
23 term, "Free Calling Party," I'm talking about the
24 entities with which Great Lakes has a marketing
25 agreement for the sharing of access revenues.

PUBLIC VERSION

1 Okay?

2 A. Okay.

3 Q. And then also for 12, which is damages
4 save for the stuff that might be covered by the
5 expert. Is that right?

6 A. Yes.

7 Q. Okay. And then you've also been noticed
8 in your personal capacity here today as well,
9 correct?

10 A. Yes.

11 Q. Mr. Nelson, you've been deposed before,
12 correct?

13 A. I have.

14 Q. How many times?

15 A. Probably at least three, four.

16 Q. Okay. So you're generally familiar with
17 the drill. So anything I'll add is the common
18 thing, if you do want to take a break, that's
19 fine, just, you know, please answer the question
20 that's pending before doing so.

21 A. Sure.

22 Q. Okay. And then what did you do to
23 prepare for the deposition today?

24 A. I met with Counsel and reviewed the list
25 that you just went over.

PUBLIC VERSION

1 Q. Did you have any meetings without
2 Counsel with anyone to prepare for the deposition?

3 A. No.

4 Q. At the meetings, who besides Counsel was
5 with you at the meetings, if anyone?

6 A. Say that again.

7 Q. Was there anyone at the meetings for the
8 preparation besides you and Counsel?

9 A. Kellie.

10 Q. Kellie. Anyone else beyond that?

11 A. No.

12 Q. Mr. Nelson, are you a founder of Great
13 Lakes?

14 A. Yes.

15 Q. Did other people found it with you?

16 A. Yes.

17 Q. Who was that?

18 A. Jerry and Candie Nelson.

19 Q. And are they related to you?

20 A. Parents.

21 Q. Parents. When was Great Lakes founded?

22 A. I believe in -- it's either late 2004 or
23 early 2005.

24 Q. And what led you and your parents to
25 found Great Lakes?

PUBLIC VERSION

1 A. We identified an opportunity to start a
2 CLEC, and we did so.

3 Q. At a high level, could you describe how
4 Great Lakes' business has evolved from when it was
5 founded till now?

6 A. It hasn't changed a lot.

7 Q. So from the beginning, did Great Lakes
8 have relationships with Free Calling Parties?

9 A. Yes.

10 Q. Okay. How many employees does Great
11 Lakes currently have?

12 A. I think we're at 12, I believe,
13 something like that.

14 Q. And you presently still have an
15 ownership in Great Lakes?

16 A. Correct.

17 Q. About roughly what percentage?

18 A. 50.

19 Q. 50. Who owns the other 50 percent?

20 A. Jerry Nelson.

21 Q. Do you have an ownership in any other
22 telecommunications -- or companies in the
23 telecommunications area?

24 A. Yes.

25 Q. What companies are those?

PUBLIC VERSION

1 A. Comity.

2 Q. That's C-O-M-I-T-Y?

3 A. Correct.

4 Q. And what does Comity do?

5 A. It's a CLEC.

6 Q. Where at?

7 A. Texas.

8 Q. Texas. Any other telecom-related

9 companies?

10 A. I don't think so.

11 Q. I understand from the Web site you have

12 some interest in some oil and gas companies as

13 well?

14 A. That's correct.

15 Q. Do you have any interest in any other

16 types of companies?

17 A. Yes.

18 Q. Outside of like stock or mutual fund

19 ownership.

20 A. Yes.

21 Q. Okay. What are those companies involved

22 with?

23 MR. BOWSER: Because we're getting so

24 far outside the scope, will you just make it

25 obvious when your questions are supposed to be

1 service that's provided under the IGL TeleConnect

2 brand?

3 A. Correct.

4 Q. Is that right? And then Internet

5 service, broadband Internet service?

6 A. Correct.

7 Q. Is that also provided under the IGL

8 TeleConnect brand?

9 A. Yeah.

10 Q. Okay. Is it provided also under the

11 Great Lakes name?

12 A. I believe it's offered underneath the

13 Telecommunications Agreement to some of the

14 people, right, so ...

15 Q. And then there are access services that

16 are provided to long distance carriers?

17 A. Correct.

18 Q. Okay. Anything else?

19 A. No.

20 Q. Any wireless service?

21 A. What kind of wireless?

22 Q. Like cell phone?

23 A. Cell phone?

24 Q. Yeah.

25 A. No.

PUBLIC VERSION

1 Q. Yeah, we'll talk in a little bit about
2 the local telephone service provided under IGL
3 TeleConnect. And is that -- the facilities use
4 their wireless facilities?

5 A. Yes.

6 Q. Okay. We'll talk about that a little
7 more later.

8 MR. McALEENAN: Let me mark this. Where
9 are we at?

10 COURT REPORTER: 16.

11 (At this time, Exhibit 16 was marked for
12 identification by the reporter.)

13 BY MR. McALEENAN:

14 Q. Mr. Nelson, you've been handed what's
15 been marked Exhibit Number 16.

16 Do you recognize this as the
17 interrogatory responses that Great Lakes provided
18 to -- in response to AT&T's first request for
19 interrogatories?

20 A. Yep.

21 Q. If you could turn to Page 5. And
22 Interrogatory Number 4 there is asking about the
23 total number of customers that Great Lakes has
24 that are not Free Calling Parties. Do you see
25 that?

PUBLIC VERSION

1 A. Yep.

2 Q. Okay. And then there's a response
3 provided on the next page, where it states that
4 there is "the following number of broadband and
5 telephone customers that are not Calling Service
6 Providers." Do you see that?

7 A. Yep.

8 Q. And so these numbers here would include
9 both -- Well, let me back up.

10 Do these numbers here reflect the
11 customers that are served under the IGL
12 TeleConnect brand after that was created?

13 A. These are non-ICB customers, correct.

14 Q. So throwing some terms around, I was
15 calling it Free Calling Parties. These are
16 non-Free Calling Party customers.

17 A. That's correct.

18 Q. Okay. And they include both broadband
19 and telephone customers, correct?

20 A. Yes.

21 Q. Okay. So this number here for July
22 2014, the 541, some of those people just have
23 broadband Internet?

24 A. Correct.

25 Q. Okay. Do you know about how many?

1 A. Say 400 of them roughly maybe.

2 Q. Okay. And so about roughly -- you know,
3 roughly 150 then at that time got telephone
4 service.

5 A. Something like that.

6 Q. Okay. And so does Great Lakes have any
7 customers other than these broadband and telephone
8 customers and the Free Calling Party customers?

9 A. No.

10 Q. Okay. Mr. Nelson, just approximately
11 what percentage of Great Lakes' revenue comes from
12 the Free Calling Parties?

13 MR. BOWSER: Objection. Outside the
14 scope.

15 BY MR. McALEENAN:

16 Q. I'm asking in your personal capacity.

17 A. Re-ask it again once.

18 Q. Yeah, roughly what percentage of Great
19 Lakes' revenue -- Well, let me put it this way:
20 What -- Let me phrase it this way: Roughly what
21 percentage of Great Lakes' revenue comes from the
22 541 customers that are broadband or telephone as
23 of, you know, I'll say in 2014?

24 MR. BOWSER: Objection. Vague. Are you
25 referring to only --

PUBLIC VERSION

1 MR. McALEENAN: I'm sorry.

2 MR. BOWSER: You said "telephone."

3 MR. McALEENAN: I did.

4 MR. BOWSER: And you're pointing to the
5 document.

6 MR. McALEENAN: I am. I said --

7 MR. BOWSER: But the record doesn't see
8 that.

9 MR. McALEENAN: I understand. Let me --
10 I'll start over. So please strike that.

11 BY MR. McALEENAN:

Year	2000	2001	2002	2003
1	100	100	100	100
2	100	100	100	100
3	100	100	100	100
4	100	100	100	100
5	100	100	100	100
6	100	100	100	100
7	100	100	100	100
8	100	100	100	100
9	100	100	100	100
10	100	100	100	100
11	100	100	100	100
12	100	100	100	100
13	100	100	100	100
14	100	100	100	100
15	100	100	100	100
16	100	100	100	100
17	100	100	100	100
18	100	100	100	100
19	100	100	100	100
20	100	100	100	100
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22	100	100	100	100
23	100	100	100	100
24	100	100	100	100
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28	100	100	100	100
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31	100	100	100	100
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40	100	100	100	100
41	100	100	100	100
42	100	100	100	100
43	100	100	100	100
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45	100	100	100	100
46	100	100	100	100
47	100	100	100	100
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66	100	100	100	100
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69	100	100	100	100
70	100	100	100	100
71	100	100	100	100
72	100	100	100	100
73	100	100	100	100
74	100	100	100	100
75	100	100	100	100
76	100	100	100	100
77	100	100	100	100
78	100	100	100	100
79	100	100	100	100
8				

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15 Q. Mr. Nelson, does Great Lakes currently
16 have authorization from the Iowa Utilities Board
17 to provide telecommunications service in Iowa?

18 A. Yes.

19 Q. Are there specified areas within Iowa
20 where that authorization is effective?

21 A. Yes.

22 Q. What are those areas?

23 A. Today it's Spencer, Lake Park and
24 Milford.

25 Q. And when did Great Lakes receive

PUBLIC VERSION

1 authorization from the Iowa Utilities Board in
2 each of those three areas?

3 A. Lake Park and Milford would have been
4 2005, I believe.

5 Q. Shortly after you founded Great Lakes?

6 A. Correct.

7 Q. And how about Spencer?

8 A. Two months ago.

9 Q. Mr. Nelson, are you aware if Great Lakes
10 has any authorization from the FCC to provide
11 service in Iowa?

12 MR. BOWSER: Objection. Vague, lacks
13 foundation.

14 A. It's not required.

15 MR. McALEENAN: Are we on to 17 now?

16 (At this time, Exhibit 17 was marked for
17 identification by the reporter.)

18 BY MR. McALEENAN:

19 Q. Mr. Nelson, you've BEEN handed what's
20 been marked as Exhibit Number 17.

21 Do you recognize this document as Great
22 Lakes FCC -- Tariff FCC Number 2 for Access
23 Service?

24 A. I do.

25 Q. And you're familiar with this, correct?

PUBLIC VERSION

1 A. I am.

2 Q. It's got your name on it at the bottom
3 there?

4 A. It does.

5 Q. Okay. Now, this Tariff you see it says
6 "Effective: January 26, 2012," at the bottom?

7 A. Correct.

8 Q. There were some revisions made to this
9 Tariff in the summer of 2013, is that right?

10 A. Yes.

11 Q. Okay. And did those revisions generally
12 concern -- focus just on the rates that were being
13 charged?

14 A. I'm trying to think. Mostly likely.

15 Q. Okay. You can't think of anything other
16 than the rates?

17 A. I don't know, if you can show it to me,
18 I'll --

19 Q. I know. I was trying to keep the paper
20 down, but that's fine. Understanding you don't
21 have the document in front of you, but you just
22 don't recall anything as you sit here today beyond
23 the rates.

24 A. Right.

25 Q. Okay. And prior to this FCC Tariff

PUBLIC VERSION

1 Number 2, Great Lakes had a different Federal

2 Access Tariff, is that correct?

3 A. It did.

4 Q. It was called Tariff FCC Number 1?

5 A. Correct.

6 Q. Were you familiar with -- Are you

7 familiar with that Tariff?

8 A. Partially.

9 Q. Partially. Well, backing up for a
10 minute, you mentioned you're currently CEO of

11 Great Lakes, right?

12 A. Correct.

13 Q. And have you always been CEO?

14 A. I was CEO and president, correct.

15 Q. Okay.

16 A. And then we parsed those duties later,
17 so yeah.

18 Q. Okay. Now Ms. Beneke is president and
19 you're continuing as CEO?

20 A. Correct.

21 Q. Okay. The prior Tariff, Tariff FCC
22 Number 1, was that modeled after the NECA Tariff,
23 do you know?

24 A. It was a previous model done by a
25 consultant. I don't know if it completely modeled

1 the NECA or not, but it was a previous template
2 from somewhere.

3 Q. Okay. And do you believe that template
4 came from a -- at least from an ILEC?

5 MR. BOWSER: Objection. Calls for
6 speculation.

7 A. I don't know where it came from.

8 Q. Okay. Now, the Tariff FCC Number 2 is
9 significantly shorter than your Tariff FCC Number
10 1, correct?

11 A. It is.

12 Q. Okay. And so there were pretty
13 significant changes made between the two tariffs,
14 right?

15 A. Correct.

16 MR. BOWSER: Objection.

17 BY MR. McALEENAN:

18 Q. What was the impetus for filing the new
19 FCC Tariff Number -- Tariff FCC Number 2?

20 A. You know, Great Lakes is a CLEC, so a
21 lot of the stuff that was in the prior Tariff
22 didn't apply to CLECs, so this was redone by
23 consultants and counsel.

24 Q. When this Tariff was being prepared,
25 you're aware that the FCC had issued several

1 decisions regarding access stimulation prior to
2 that time, correct?

3 A. Correct.

4 Q. Were -- Was this Tariff, the Number 2
5 Tariff, drafted to -- in an attempt to address
6 some of the problems that were encountered by
7 other CLECs engaged in access stimulation that
8 were encountered at the FCC?

9 MR. BOWSER: Objection. Lacks
10 foundation.

11 A. It was changed with -- I believe the
12 Connect America Fund, right? -- ordered, made
13 ruling changes, and that's what drove most of the
14 change to this Tariff.

15 Q. Okay. You're familiar with the FCC's
16 decision in the Farmers case?

17 A. Yes.

18 Q. And the Northern Valley case?

19 A. I'm not real sure on Northern Valley.

20 Q. Okay. So do you know if any of the
21 changes were made to address things that the FCC
22 had ruled in the Farmers case?

23 A. This -- It's been modified, you know --
24 It's been modified, yes. To address specific
25 things? I don't know. I think there's ...

PUBLIC VERSION

1 Q. Okay. Mr. Nelson, you understand that
2 the dispute between AT&T and Great Lakes is over
3 Access Service, correct?

4 A. Correct.

5 Q. Okay. If you would turn to -- And
6 specifically AT&T's nonpayment of the access
7 charge bills that Great Lakes has sent to AT&T,
8 correct?

9 A. Correct.

10 Q. Okay. If you can turn to Page 45 of the
11 Tariff. And you see there in -- under Paragraph 5
12 where there's heading 5, "Switched Access
13 Service," and Paragraph 5.1 under "General," it
14 says, "Switched Access Service provides for the
15 use of switching and/or transport facilities or
16 services to enable a Buyer to utilize the
17 Company's Network to accept Calls or to deliver
18 Calls." Do you see that?

19 A. Yes.

20 Q. Okay. And in that provision, the Buyer
21 is the long distance company, correct?

22 A. I believe so.

23 Q. Okay. And the Company is Great Lakes,
24 correct?

25 A. Correct.

1 Q. Okay. So if you turn back to Page 7 of
2 the Tariff, do you see there's a definition of the
3 term, "Buyer"? Do you see that?

4 A. Yes.

5 Q. Okay. And it says, "The term 'Buyer'
6 refers to an Interexchange Carrier utilizing the
7 Company's Access Service to complete a Call to or
8 from End Users." Is that right?

9 A. Correct.

10 Q. Okay. So for AT&T to be a Buyer under
11 the Tariff and, therefore, being potentially
12 liable for access charges under the Tariff, it
13 must deliver calls to Great Lakes that Great Lakes
14 sends on to End Users, correct?

15 MR. BOWSER: Objection. Calls for a
16 legal conclusion.

17 A. That definition says Access Service to
18 complete calls to End Users, yes.

19 Q. Okay. So the call must end at an End
20 User.

21 A. That's what it says.

22 Q. Okay. Now, on Page 8, there's a
23 definition of "End User," and you see there it
24 says, "The term 'End User' means any Customer of
25 an Interstate or Foreign Telecommunications

PUBLIC VERSION

1 Service that is not a carrier, except that a
2 carrier other than a telephone company shall be
3 deemed to be an 'End User,'" and it goes on with a
4 sort of long, complicated, technical exception.

5 Do you see that?

6 A. Yes.

7 Q. Okay. But the guts of that is a
8 customer of an interstate or foreign
9 telecommunications service that is not a carrier,
10 correct?

11 A. That's what it says, yes.

12 Q. Okay. And then it also says, the
13 second-to-last sentence, it says that "An End User
14 must pay a fee to the Company for
15 telecommunications service." Do you see that?

16 A. I do.

17 Q. Okay. So, Mr. Nelson, you understand
18 the main dispute here between AT&T and Great Lakes
19 is over the calls that are being delivered to Free
20 Calling Parties, right?

21 A. Yes.

22 Q. Okay. And so to be an-- for a Free
23 Calling Party to be an End User under the Tariff,
24 it must be paying a fee, the Free Calling Party
25 must be paying a fee to Great Lakes for interstate

PUBLIC VERSION

1 or foreign telecommunications service, correct?

2 MR. BOWSER: Objection. Calls for a
3 legal conclusion.

4 A. That is what it says.

5 Q. Okay. If you look at Page 9, there is a
6 definition of "Telecommunications," and it says,
7 "The transmission, between or among points
8 specified by the user, of information of the
9 user's choosing, without change in the form or
10 content of the information as sent and received."
11 Do you see that?

12 A. I do.

13 Q. Okay. So in order for the Free Calling
14 Parties to be the End User, they must be paying
15 for a service that fits that definition of
16 telecommunications, right?

17 MR. BOWSER: Same objection.

18 A. I don't know if they have to be paying
19 one that fits that definition.

20 Q. Well, that's the definition in the
21 Tariff, right?

22 A. I mean, that's what it says, so yeah.

23 Q. But you would assume that the definition
24 of telecommunications in the Tariff is the
25 definition that applies to the term,

PUBLIC VERSION

1 telecommunications, as used in the Tariff, right?

2 A. Sure.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

1 Utility Board does their intrastate, you have to
2 get everybody's approval or go through a lengthy
3 court process to do it.

4 Less than one percent of our traffic is
5 intrastate, so it's an analysis if it's worth the
6 legal battle to do it or not.

7 Q. Okay. And so did Great Lakes propose
8 the .0007 rate in order to sort of end the debate
9 and get the legal dispute behind it?

10 A. Yes.

11 Q. Okay. And the long distance carriers
12 accepted that?

13 A. No.

14 Q. No? So how did you end up with the rate
15 if you said it has to get --

16 A. It hasn't been adopted.

17 Q. I see. What is Great Lakes currently
18 charging for Intrastate Access?

19 A. We're not allowed to charge currently.

20 Q. You're not allowed. Okay. I believe
21 you said that it's less than one percent of your
22 traffic is intrastate?

23 A. I believe so. Intrastate, right?

24 Q. Intrastate, yes.

25 (At this time, an off-the-record

PUBLIC VERSION

1 discussion was held.)

2 MR. McALEENAN: This will be 18 and 19.

3 (At this time, Exhibits 18 and 19 were
4 marked for identification by the reporter.)

5 BY MR. McALEENAN:

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9 MR. McALEENAN: Okay. Why don't we take
10 a break. We've been going about an hour.

11 MR. BOWSER: Okay.

12 (A recess was taken from 9:28 a.m. to
13 9:38 a.m.)

14 MR. McALEENAN: Okay. Back on the
15 record. Let me go to Exhibit 21.

16 (At this time, Exhibit 21 was marked for
17 identification by the reporter.)

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PUBLIC VERSION

1 Q. Right? They're not paying to transmit
2 information.

3 A. What do you do with a phone number?

4 Q. What's that?

5 A. What do you do with a phone number?

6 Q. Well, that's the phone number you tell
7 people to call, right?

8 A. Is that transmitting service?

9 Q. No, it's getting a phone number.
10 Well, you understand the person who has
11 to be performing a service here is Great Lakes,
12 right? Great Lakes is the one providing the
13 service that the Free Calling Party is paying for,
14 correct?

15 A. We provide the DIDs and trunks, correct.

16 Q. Okay. And so what I'm saying is what
17 you're -- you know, and obviously there are a
18 number of things, right, that are associated with
19 telecommunications service, such as a phone,
20 right?

21 MR. BOWSER: Objection. Lacks
22 foundation.

23 A. There's lots of forms of
24 telecommunications service.

25 Q. Well, I understand. I'm just saying, in

PUBLIC VERSION

1 order to be a user of telecommunications service,
2 you need a phone, right?

3 MR. BOWSER: Objection. Lacks
4 foundation.

5 BY MR. McALEENAN:

6 Q. Or something capable of making and
7 receiving calls, right?

8 A. Something capable of making or receiving
9 calls, sure.

10 Q. And one of those things is a telephone.

11 A. Can be.

12 Q. Yeah, right. One of them. So if I go
13 to Walmart and buy a phone, Walmart's not
14 providing me with telecommunications service,
15 right?

16 A. Doubtful. I don't know.

17 Q. Right. They're just giving me a phone.

18 A. Correct.

19 Q. And just like you need a phone number to
20 have somebody dial you, you know, in order to
21 receive telecommunications service, getting the
22 phone number itself is not telecommunications
23 service just like buying the phone isn't
24 telecommunications service, right?

25 MR. BOWSER: Objection. Lacks

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements.

2. The second part of the document outlines the various methods used to collect and analyze data, including interviews, surveys, and focus groups.

3. The third part of the document describes the results of the data collection and analysis, highlighting the key findings and the implications for the organization.

4. The fourth part of the document discusses the challenges faced during the research process and the strategies used to overcome them.

5. The fifth part of the document provides a summary of the findings and offers recommendations for future research and practice.

6. The sixth part of the document discusses the limitations of the study and the potential for bias.

7. The seventh part of the document discusses the ethical considerations of the research and the steps taken to ensure the protection of the participants.

8. The eighth part of the document discusses the contributions of the study to the field of accounting and the potential for further research.

9. The ninth part of the document discusses the practical implications of the findings for the organization and the potential for improvement.

10. The tenth part of the document discusses the conclusions of the study and the overall findings.

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7 Q. Are you familiar with the phrase from
8 President Lincoln where he said, "If I tell you
9 that a horse's tail is a leg, how many legs does
10 it have?" Have you ever heard that before?

11 A. No.

12 Q. The person responded with "Five." He
13 said, "No, it's still four. Calling a tail a leg
14 doesn't make it a leg."

15 Do you appreciate the significance of
16 that --

17 A. No.

[REDACTED]

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24 (A recess was taken from 10:25 a.m. to
25 10:42 a.m.)

1 BY MR. McALEENAN:

2 Q. Mr. Nelson, if we could go back to the
3 tariff real quick, Tariff Number 2, and the rate
4 elements, which are all the way back on Page 55.
5 Okay. Do you see those? And I believe you
6 testified that you weren't sure whether AT&T was
7 being charged all of these or not, is that right?

8 A. That's correct.

9 Q. Okay. And so is it also true that you
10 wouldn't know the basis on which any of these
11 elements are being charged to AT&T if they are
12 being charged?

13 MR. BOWSER: Objection. Vague.

14 A. What do you mean?

15 Q. I'm just saying, you know, when you said
16 you didn't know if the -- each of these elements
17 were, in fact, being charged to AT&T, I assume
18 that that would also mean that you wouldn't know
19 the basis on which any of these charges would be
20 billing to AT&T since you didn't even know if they
21 were, in fact, being billed, and I just want to
22 know if that's correct or if you do have knowledge
23 about the basis for these charges.

24 A. Would probably have basic knowledge,
25 but not great knowledge.

PUBLIC VERSION

[REDACTED]

[REDACTED]

3 (At this time, Exhibit 26 was marked for

4 identification by the reporter.)

5 BY MR. McALEENAN:

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PUBLIC VERSION

19 Q. Okay. Now, this is going to be 27?

20 (At this time, Exhibit 27 was marked for

21 identification by the reporter.)

22 BY MR. McALEENAN:

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12 Q. Okay. Does Great Lakes presently have
13 any equipment or facilities in Spencer?

14 A. Yes.

15 Q. Yes. Okay. What facilities are those?

16 A. There's a telephone switch in Spencer.

17 Q. Okay. And then you also have the
18 facility in Lake Park which is where you have
19 the -- you house the Free Calling Parties'
20 equipment, correct?

21 A. Correct.

22 Q. Okay. And then I understand you are
23 building a new facility in Lake Park for that
24 purpose, is that right?

25 A. Correct.

PUBLIC VERSION

1 Q. And then is the plan -- I think the plan
2 is to move all the Free Calling Party equipment to
3 that new facility?

4 A. Between the two, correct.

5 Q. Between the two. And then you will
6 cease using the current facility?

7 A. No.

8 Q. No? Okay, so it's -- What are you going
9 to use the current facility for after the new one
10 is completed?

11 A. There's more wireless type stuff in
12 there versus what's in there now.

13 Q. Okay. And when you say "wireless type,"
14 is that in connection with the services provided
15 to the IGL TeleConnect customers?

16 A. Some of that.

17 Q. Okay. And what is the other stuff used
18 for, the wireless stuff?

19 A. It's -- We have a tower next to the
20 building, right? It got hit by lightning and
21 wiped out a whole bunch of stuff in the building,
22 so we got to get -- we want to move everything out
23 of the building so we don't get hit by lightning
24 again.

25 So there will be some -- Anything that's

1 Spencer, where you say you have the telephone
2 switch, is that located in the same building as
3 the corporate office is?

4 A. Yes.

5 Q. Yes. Does Great Lakes have any
6 facilities other than the one in Spencer, the one
7 in Lake Park and the one being built in Lake Park?

8 A. For FCSPs, no.

9 Q. Okay. And then you have facilities for
10 the Internet and other customers located
11 elsewhere?

12 A. Correct.

13 Q. Okay. Where are those facilities
14 located?

15 A. There's other towers and what-not for
16 all that, so ...

17 Q. Okay, so you're talking about you serve
18 the IGL TeleConnect customers using wireless
19 connections, right?

20 A. Correct. So there's towers and little
21 huts and stuff all over.

22 Q. Okay. But no buildings with doors that
23 people go in and out of?

24 A. Well, there's -- yeah, there's buildings
25 with doors that people go in and out of but not

1 conference customers.

2 Q. Not conference customers, okay. Yeah,
3 maybe that was a little too broad. Not buildings
4 where people work at from 9 to 5 every day.

5 A. Typically not.

6 Q. Okay. Now, you mentioned, does
7 Spencer -- I'm sorry, does Great Lakes have a
8 switch in Lake Park?

9 A. No.

10 Q. No. Does it have more than one switch
11 in Spencer?

12 A. No.

13 Q. What's that?

14 A. No.

15 Q. No. So the same switch is used to serve
16 both the FC -- Free Calling Party customers as
17 well as the IGL TeleConnect customers?

18 A. Correct.

19 Q. Okay. Is that switch partitioned in any
20 way where part of it is provisioned to provide
21 service to the Free Calling Parties and the other
22 part for the IGL TeleConnect parties?

23 A. No.

24 Q. No? Does Great Lakes own that switch?

25 A. Yes.

1 Q. Okay, I'd like to talk about the routing
2 of a call from an AT&T customer to a Great Lakes
3 Free Calling Party, okay? So the call, you know,
4 comes over AT&T's network, and we'll say the time
5 period is presently, okay? It comes over the
6 AT&T's network and then it gets handed off to INS,
7 is that right?

8 A. Correct.

9 Q. Okay. And that's in Des Moines, right,
10 the INS switch?

11 A. Or Kamrar.

12 Q. Or Kamrar. Right. Okay. So one of
13 those two. And then INS puts it on its fiber
14 ring, right --

15 A. Correct.

16 Q. -- from there? Where does INS take it
17 from there, do you know?

18 A. To Spencer.

19 Q. To Spencer. Okay. And then does Great
20 Lakes connect with INS in Spencer?

21 A. Yes.

22 Q. Yes. And that's at an INS point of
23 interconnection?

24 A. Correct.

25 Q. And then where is that point of

PUBLIC VERSION

1 interconnection in relation to Great Lakes's

2 switch?

3 A. As the crow flies or driving miles?

4 Five miles driving miles.

5 Q. Five miles, okay. So then how does the

6 call -- The next stop is to the -- from the INS

7 point of interconnection in Spencer to the Great

8 Lakes switch at Spencer?

9 A. Correct.

[REDACTED]

PUBLIC VERSION

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PUBLIC VERSION

[illegible]

1 equivalence between the product or service being
2 offered in order for the statement that the prices
3 are the same to be meaningful, right?

4 A. In a restaurant, sure. We didn't -- For
5 as far as your reference is, we did what the
6 Connect America Fund said we could do.

7 Q. I know, I understand that's your
8 position. I'm just trying to establish a general
9 point that, you know, the steak in this context is
10 Access Services, and wouldn't you agree that the
11 Access Services offered by Great Lakes would have
12 to be comparable to that being offered by the
13 lowest-priced CAP/LEC in order for you to say
14 you've complied with the order by just charging
15 the same price has the lowest-priced CAP/LEC?

16 MR. BOWSER: Objection. Lacks
17 foundation, calls for legal conclusion.

18 A. I think we have the same service, so --
19 We do the same thing.

20 Q. So because you think you have the same
21 service, you feel that you've complied with the
22 order by charging the same price.

23 A. Correct.

24 Q. Okay. And the lowest-priced CAP/LEC in
25 Iowa right now is CenturyLink, is that right?

PUBLIC VERSION

1 A. I think that's correct, yeah.

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PUBLIC VERSION

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 MR. McALEENAN: Okay. I'm sorry, what
9 number are we on?

10 COURT REPORTER: 28.

11 MR. McALEENAN: Sorry, Joe, I just have
12 one of these.

13 BY MR. McALEENAN:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 (At this time, an off-the-record

18 discussion was held.)

19 (At this time, Exhibit 28 was marked for

20 identification by the reporter.)

21 BY MR. McALEENAN:

- **1.1.1.1** **1.1.1.1** **1.1.1.1**
- **1.1.1.1** **1.1.1.1** **1.1.1.1**
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PUBLIC VERSION

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PUBLIC VERSION

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Great Lakes Comm. Corp. v. AT&T Corp. ATTORNEYS' EYES ONLY JOSHUA D. NELSON - 11/6/2014

16 Q. Okay. Mr. Nelson, Great Lakes brought
17 this suit because AT&T didn't pay the access
18 charge bills that Great Lakes sent to them, right?

19 A. Correct.

20 Q. And if AT&T had paid those bills in
21 full, Great Lakes wouldn't have brought this suit,
22 right?

23 A. Correct.

24 Q. And so the most that Great Lakes could
25 be harmed by AT&T's failure to pay the bills is

PUBLIC VERSION

1 CERTIFICATE

2 STATE OF IOWA

3 COUNTY OF CALHOUN

4 I, Robin R. Qualy, a Certified Shorthand
5 Reporter and Notary Public in and for the State of
6 Iowa, do hereby certify that the deponent was duly
7 sworn by me, and that the transcript as above set
8 forth is a true and accurate record of the
9 testimony given.

10 That the within and foregoing deposition
11 was taken by me at the time and place herein
12 specified.

13 That the witness did not ask to read and
14 sign the deposition.

15 That I am not counsel, attorney, or
16 relative of either party or otherwise interested
17 in the event of this suit.

18 IN TESTIMONY WHEREOF, I have hereunto
19 placed my hand November 8, 2014.

20

21

22

23 ROBIN R. QUALY, CSR

24 Commission 144913 Exp. 10/1/17

25

PUBLIC VERSION

NAME OF CASE: Great Lakes Communication Corp. v. AT&T Corp., 5:13-cv-4117

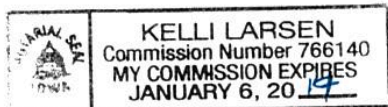
DATE: November 6, 2014

WITNESS: Joshua D. Nelson

Reason Codes:

1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Pg.	Ln.	Now Reads	Should Read	Reason
9	16	Correct.	Correct, a trust I established does.	1
9	20	Jerry Nelson.	A trust established by Jerry Nelson.	1
14	8	Huh-uh.	No.	1
112	7	paying anybody	being paid by anybody	3



[Signature]
Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS 2nd DAY OF December, 2014

[Signature: Kelli Q. Larsen]

(Notary Public) MY COMMISSION EXPIRES: January 6, 2017

Amended Exhibit 7

**Excerpted Pages from the
Deposition of Kellie Beneke,
taken Nov. 6, 2014**

PUBLIC VERSION

Great Lakes Comm. Corp. v. AT&T Corp. ATTORNEYS' EYES ONLY

KELLIE BENEKE - 11/6/2014

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

GREAT LAKES COMMUNICATIONS No. 5:13-cv-4117
CORP.,
 Plaintiff,
v.
AT&T CORP.,
 Defendant.

*** ATTORNEYS' EYES ONLY ***

DEPOSITION of KELLIE BENEKE, taken on behalf
of the Defendant, reported by Robin R. Qualy, CSR,
starting at 7:57 a.m., on November 6, 2014, at the
Arrowwood Resort & Conference Center, 1405 U.S.
71, Okoboji, Iowa.

PUBLIC VERSION

Great Lakes Comm. Corp. v. AT&T Corp. ATTORNEYS' EYES ONLY

KELLIE BENEKE - 11/6/2014

2

APPEARANCES

Joseph P. Bowser

G. David Carter

Innovista Law PLLC

1200 18th Street NW, Suite 700

Washington, DC 20036

On behalf of the Plaintiff.

Brian A. McAleenan

Sidley Austin LLP

One South Dearborn

Chicago, IL 60603

On behalf of the Defendant.

PUBLIC VERSION

1 * * *

2 KELLIE BENEKE

3 sworn by the reporter, testified as follows:

4 EXAMINATION

5 BY MR. MCALEENAN:

6 Q. Ms. Beneke, can you please state your
7 full name for the record?

8 A. Kellie Beneke.

9 Q. And by whom are you employed?

10 A. Great Lakes Communications.

11 Q. And what is your position there?

12 A. President.

13 MR. MCALEENAN: Would you please mark
14 this as -- Are we on Exhibit 9?

15 (At this time, Exhibit 9 was marked for
16 identification by the reporter.)

17 BY MR. MCALEENAN:

18 Q. Ms. Beneke, you've just been handed a
19 document that's been marked as AT&T Exhibit 9.
20 Have you seen this document before?

21 A. Yes.

22 Q. And is this the Notice of Deposition
23 that AT&T issued to Great Lakes? And if you turn
24 to Page 4, do you see a list of Topics for
25 Deposition?

PUBLIC VERSION

1 A. Yes.

2 Q. And are you designated as the corporate
3 representative for Great Lakes for Topic 1 as it
4 concerns agreements that you've signed?

5 A. Yes.

6 Q. And for Topic 2?

7 A. Yes.

8 Q. And for Topic 3 as it pertains to
9 payments that Great Lakes has received from its,
10 what we call Free Calling Parties?

11 A. Yes.

12 Q. And just for the definition, I'll use
13 lots of terms for this, Free Calling Party would
14 just be the entities with which Great Lakes has a
15 Marketing Agreement to share access revenues.

16 A. Understood.

17 Q. Is that fair? Okay.

18 At a very general level, Ms. Beneke,
19 what are your responsibilities as president at
20 Great Lakes?

21 A. Overseeing the general operations of the
22 organization, hiring employees.

23 Q. Is there any area that's outside of your
24 general oversight?

25 A. As far as could you expand upon that a

PUBLIC VERSION

1 Q. Purchasing. How long were you at that
2 job?

3 A. Ten years.

4 Q. Anything before that that has anything
5 to do with telecom?

6 A. No.

7 Q. Where did you go to college?

8 A. Spencer School of Business.

9 Q. Did you get a degree from there?

10 A. Accounting. It's a two-year degree.

11 Q. Any other degrees?

12 A. No.

13 MR. McALEENAN: I'm going to mark this
14 as -- we're up to 10.

15 (At this time, Exhibit 10 was marked for
16 identification by the reporter.)

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

Great Lakes Comm. Corp. v. AT&T Corp. ATTORNEYS' EYES ONLY

11

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KELLIE BENEKE - 11/6/2014

12

[illegible]

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13

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15

[illegible]

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17

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[illegible]

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KELLIE BENEKE - 11/6/2014

19

- **Introduction**
- **Background**
- **Methodology**
- **Results**
- **Discussion**
- **Conclusion**
- **References**
- **Appendix**
- **Index**
- **Table of Contents**
- **Figure 1**
- **Figure 2**
- **Figure 3**
- **Figure 4**
- **Figure 5**
- **Figure 6**
- **Figure 7**
- **Figure 8**
- **Figure 9**
- **Figure 10**
- **Figure 11**
- **Figure 12**
- **Figure 13**
- **Figure 14**
- **Figure 15**
- **Figure 16**
- **Figure 17**
- **Figure 18**
- **Figure 19**
- **Figure 20**
- **Figure 21**
- **Figure 22**
- **Figure 23**
- **Figure 24**
- **Figure 25**
- **Figure 26**
- **Figure 27**
- **Figure 28**
- **Figure 29**
- **Figure 30**
- **Figure 31**
- **Figure 32**
- **Figure 33**
- **Figure 34**
- **Figure 35**
- **Figure 36**
- **Figure 37**
- **Figure 38**
- **Figure 39**
- **Figure 40**
- **Figure 41**
- **Figure 42**
- **Figure 43**
- **Figure 44**
- **Figure 45**
- **Figure 46**
- **Figure 47**
- **Figure 48**
- **Figure 49**
- **Figure 50**
- **Figure 51**
- **Figure 52**
- **Figure 53**
- **Figure 54**
- **Figure 55**
- **Figure 56**
- **Figure 57**
- **Figure 58**
- **Figure 59**
- **Figure 60**
- **Figure 61**
- **Figure 62**
- **Figure 63**
- **Figure 64**
- **Figure 65**
- **Figure 66**
- **Figure 67**
- **Figure 68**
- **Figure 69**
- **Figure 70**
- **Figure 71**
- **Figure 72**
- **Figure 73**
- **Figure 74**
- **Figure 75**
- **Figure 76**
- **Figure 77**
- **Figure 78**
- **Figure 79**
- **Figure 80**
- **Figure 81**
- **Figure 82**
- **Figure 83**
- **Figure 84**
- **Figure 85**
- **Figure 86**
- **Figure 87**
- **Figure 88**
- **Figure 89**
- **Figure 90**
- **Figure 91**
- **Figure 92**
- **Figure 93**
- **Figure 94**
- **Figure 95**
- **Figure 96**
- **Figure 97**
- **Figure 98**
- **Figure 99**
- **Figure 100**

Great Lakes Comm. Corp. v. AT&T Corp. ATTORNEYS' EYES ONLY

KELLIE BENEKE - 11/6/2014

20

[illegible]

Great Lakes Comm. Corp. v. AT&T Corp. ATTORNEYS' EYES ONLY

KELLIE BENEKE - 11/6/2014

21

[illegible]

Great Lakes Comm. Corp. v. AT&T Corp. ATTORNEYS' EYES ONLY

KELLIE BENEKE - 11/6/2014

22

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 And then also were you responsible for

21 changing the bill format from the earlier Free

22 Conference format that we saw to the -- to this

23 format?

24 A. Yes.

25 Q. And this format is now used for all the

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1 Free Calling Parties?

2 A. Yes.

3 Q. And it was used for all them beginning
4 in roughly February of 2013?

5 A. Yes.

6 Q. Is that right?

7 A. Roughly.

8 Q. About that time?

9 A. Correct.

10 Q. Ms. Beneke, you're also here to testify
11 about the location of the Free Calling Parties?

12 A. Yes.

13 Q. Okay. And where their equipment is,
14 correct?

15 A. Correct.

16 Q. Okay. So right now is their equipment
17 at a Great Lakes facility in Lake Park, Iowa?

18 A. Yes.

19 MR. MCALEENAN: And I'll mark this.

20 What are we at, 15?

21 (At this time, Exhibit 15 was marked for
22 identification by the reporter.)

23 BY MR. MCALEENAN:

24 Q. Ms. Beneke, this was a document that was
25 produced to AT&T in discovery in this case by

PUBLIC VERSION

1 CERTIFICATE

2 STATE OF IOWA

3 COUNTY OF CALHOUN

4 I, Robin R. Qualy, a Certified Shorthand
5 Reporter and Notary Public in and for the State of
6 Iowa, do hereby certify that the deponent was duly
7 sworn by me, and that the transcript as above set
8 forth is a true and accurate record of the
9 testimony given.

10 That the within and foregoing deposition
11 was taken by me at the time and place herein
12 specified.

13 That the witness did not ask to read and
14 sign the deposition.

15 That I am not counsel, attorney, or
16 relative of either party or otherwise interested
17 in the event of this suit.

18 IN TESTIMONY WHEREOF, I have hereunto
19 placed my hand November 10, 2014.

20

21

22

23

ROBIN R. QUALY, CSR

24

Commission 144913 Exp. 10/1/17

25